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RICHARD W. HENNING  
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NORTHERN DISTRICT OF CALIFORNIA

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E-filing

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

JSW

CV 10 1227

17 Monica Suarez,

18  
19 Plaintiff,

20 vs.

21 Central Credit Services; and DOES 1-10,  
22 inclusive,

23 Defendants.  
24  
25

Case No.:

**COMPLAINT FOR DAMAGES**  
**1. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**15 U.S.C. § 1692 ET. SEQ;**  
**2. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**CAL.CIV.CODE § 1788 ET. SEQ.**

**JURY TRIAL DEMANDED**

1 For this Complaint, the Plaintiff, Monica Suarez, by undersigned counsel,  
2 states as follows:

3  
4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair  
6 Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the  
7 invasions of Plaintiff's personal privacy by the Defendants and its agents in their  
8 illegal efforts to collect a consumer debt.  
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

11 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in  
12 that Defendants transact business here and a substantial portion of the acts giving  
13 rise to this action occurred here.  
14  
15

16 **PARTIES**

17 4. The Plaintiff, Monica Suarez (hereafter "Plaintiff"), is an adult  
18 individual residing at 295 Foote Avenue, San Francisco, California 94112, and are  
19 each a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).  
20

21 5. The Defendant, Central Credit Services (hereafter "CCS"), is a  
22 company with an address of 9550 Regency Square Blvd., Suite 602, Jacksonville,  
23 Florida 32225, operating as a collection agency, and is a "debt collector" as the  
24 term is defined by 15 U.S.C. § 1692a(6).  
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1        6. Does 1-10 (the "Collectors") are individual collectors employed by  
2 CCS and whose identities are currently unknown to the Plaintiff. One or more of  
3 the Collectors may be joined as parties once their identities are disclosed through  
4 discovery.  
5

6        7. CCS at all times acted by and through one or more of the Collectors.  
7

8                    **ALLEGATIONS APPLICABLE TO ALL COUNTS**

9        **A. The Debt**  
10

11        8. The Plaintiff incurred a financial obligation in the approximate  
12 amount of \$4,000.00 (the "Debt") to Toyota (the "Creditor").  
13

14        9. The Debt arose from services provided by the Creditor which were  
15 primarily for family, personal or household purposes and which meets the  
16 definition of a "debt" under 15 U.S.C. § 1692a(5).  
17

18        10. The Debt was purchased, assigned or transferred to CCS for  
19 collection, or CCS was employed by the Creditor to collect the Debt.  
20

21        11. The Defendants attempted to collect the Debt and, as such, engaged in  
22 "communications" as defined in 15 U.S.C. § 1692a(2).  
23

24        **B. CCS Engages in Harassment and Abusive Tactics**

25        12. The Plaintiff has been making payments to CCS towards the Debt.  
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1           13.   Still, CCS called the Plaintiff at her place of employment at least once  
2 per day.

3  
4           14.   The Plaintiff spoke to CCS's agent, Robert Bella.

5           15.   The Plaintiff told Mr. Bella not to contact her at her place of  
6 employment because she cannot receive calls there, and directed CCS to call her  
7 cell phone in the future.

8  
9           16.   Mr. Bella continued to call the Plaintiff at her place of employment.

10           17.   On Numerous occasions, Mr. Bella would contact the Plaintiff's co-  
11 workers and ask them where the Plaintiff was.

12  
13           18.   The Plaintiff told Mr. Bella that she was represented by an attorney,  
14 and for CCS to stop contacting her and direct their calls to her attorney.

15  
16           19.   Mr. Bella continued to call the Plaintiff to collect the Debt.

17           20.   Mr. Bella told the Plaintiff that he was going to garnish her wages.

18           21.   The Plaintiff stated she believed a court order was needed to garnish  
19 her wages.

20  
21           22.   Mr. Bella told her a court order is not needed to garnish wages in  
22 California.

23           23.   Mr. Bella threatened to come to the Plaintiff's office to "track her  
24 down."  
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1        24. Mr. Bella then yelled at the Plaintiff and told her to connect him to her  
2 Human Resources (HR) manager so that he could discuss the debt.

3  
4        25. The Plaintiff did not connect Mr. Bella to her HR manager.

5        26. Mr. Bella then called the Plaintiff's employer's main line, and asked  
6 to be connected with the HR manager.

7  
8        27. While speaking to the HR manager, Mr. Bella discussed the Debt, and  
9 demanded to be connected with the CEO of the company.

10        28. The HR manager did not connect the call.

11        29. The HR manager then went to discuss the matter with the Plaintiff.

12        30. The Plaintiff fears that she will be terminated by her employer as a  
13 result of Mr. Bella's actions.  
14

15  
16 **C. Plaintiff Suffered Actual Damages**  
17

18        31. The Plaintiff has suffered and continues to suffer actual damages as a  
19 result of the Defendants' unlawful conduct.

20        32. As a direct consequence of the Defendants' acts, practices and  
21 conduct, the Plaintiff suffered and continues to suffer from humiliation, anger,  
22 anxiety, emotional distress, fear, frustration and embarrassment.  
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1        33. The Defendants' conduct was so outrageous in character, and so  
2 extreme in degree, as to go beyond all possible bounds of decency, and to be  
3 regarded as atrocious, and utterly intolerable in a civilized community.  
4

5  
6                                    **COUNT I**  
7                                    **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
8                                    **15 U.S.C. § 1692, et seq.**

9        34. The Plaintiff incorporates by reference all of the above paragraphs of  
10 this Complaint as though fully stated herein.

11        35. The Defendants contacted third parties and failed to identify  
12 themselves and further failed to confirm or correct location information, in  
13 violation of 15 U.S.C. § 1692b(1).  
14

15        36. The Defendants informed third parties of the nature of Plaintiff's debt  
16 and stated that the Plaintiff owed a debt, in violation of 15 U.S.C. § 1692b(2).  
17

18        37. The Defendants contacted third parties in regards to the Plaintiff's  
19 debt on numerous occasions, without being asked to do so, in violation of  
20 15 U.S.C. § 1692b(3).  
21

22        38. The Defendants contacted the Plaintiff at a place and during a time  
23 known to be inconvenient for the Plaintiff, in violation of 15 U.S.C. § 1692c(a)(1).  
24

25        39. The Defendants contacted the Plaintiff after having knowledge that  
26 the Plaintiff was represented by an attorney, in violation of 15 U.S.C. §  
27 1692c(a)(2).  
28



1       40. The Defendants contacted the Plaintiff at his place of employment,  
2 knowing that the Plaintiff's employer prohibited such communications, in violation  
3 of 15 U.S.C. § 1692c(a)(3).  
4

5       41. The Defendants communicated with individuals other than the  
6 Plaintiff, the Plaintiff's attorney, or a credit bureau, in violation of 15 U.S.C.  
7 § 1692c(b).  
8

9       42. The Defendants used profane and abusive language when speaking  
10 with the consumer, in violation of 15 U.S.C. § 1692d(2).  
11

12       43. The Defendants caused a phone to ring repeatedly and engaged the  
13 Plaintiff in telephone conversations, with the intent to annoy and harass, in  
14 violation of 15 U.S.C. § 1692d(5).  
15

16       44. The Defendants threatened the Plaintiff with garnishment if the debt  
17 was not paid, in violation of 15 U.S.C. § 1692e(4).  
18

19       45. The Defendants threatened to take legal action, without actually  
20 intending to do so, in violation of 15 U.S.C. § 1692e(5).  
21

22       46. The Defendants employed false and deceptive means to collect a debt,  
23 in violation of 15 U.S.C. § 1692e(10).  
24

25       47. The foregoing acts and omissions of the Defendants constitute  
26 numerous and multiple violations of the FDCPA, including every one of the above-  
27 cited provisions.  
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1        55. The Defendants communicated with the Plaintiff with such frequency  
2 as to be considered harassment, in violation of Cal. Civ. Code § 1788.11(e).

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4        56. The Defendants failed to comply with the provisions of 15 U.S.C.  
5 § 1692, *et seq.*, in violation of Cal. Civ. Code § 1788.13(e).

6        57. The Defendants communicated with the Plaintiff's employer about the  
7 Plaintiff's debt, without consent of the Plaintiff's attorney or the Plaintiff, and  
8 without the purpose of verifying location or employment information, in violation  
9 of Cal. Civ. Code § 1788.12(a).

10  
11        58. The Defendants did not comply with the provisions of Title 15,  
12 Section 1692 of the United States Code, in violation of Cal. Civ. Code § 1788.17.

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14        59. The Plaintiff is entitled to damages as a result of the Defendants'  
15 violations.

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17  
18                    **PRAYER FOR RELIEF**

19        WHEREFORE, the Plaintiff prays that judgment be entered against the  
20 Defendants:

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22                    A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the  
23 Defendants;

24                    B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C.  
25 §1692k(a)(2)(A) against the Defendants;

1 C. Costs of litigation and reasonable attorney's fees pursuant to  
2 15 U.S.C. § 1692k(a)(3) against the Defendants;

3  
4 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);

5 E. Statutory damages of \$1,000.00 per violation for knowingly and  
6 willfully committing violations pursuant to Cal. Civ. Code  
7 § 1788.30(b);  
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9 F. Actual damages from the Defendants for the all damages including  
10 emotional distress suffered as a result of the intentional, reckless,  
11 and/or negligent FDCPA violations and intentional, reckless, and/or  
12 negligent invasions of privacy in an amount to be determined at trial  
13 for the Plaintiff;  
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15 G. Punitive damages; and  
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17 H. Such other and further relief as may be just and proper.  
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**TRIAL BY JURY DEMANDED ON ALL COUNTS**

DATED: March 24, 2010

LARA SHAPIRO

By: /s/ Lara R. Shapiro

Lara R. Shapiro

Attorney for Plaintiff

Monica Suarez